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International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances
Eleventh session

Summary record of the 183rd meeting*
Held at the Palais Wilson, Geneva, on Thursday, 6 October 2016, at 10 a.m.

Chair: Mr. Corcuera Cabezut

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* No summary record was issued for the 182nd meeting.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties to the Convention (*continued*)

Initial report of Colombia (CED/C/COL/1; CED/C/COL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Colombia took places at the Committee table.*

2. **Ms. Londoño Soto** (Colombia), introducing the initial report of Colombia (CED/C/COL/1), said that her Government was resolved to eliminate the scourge of enforced disappearance and to provide assistance to the victims of that abominable crime, as evidenced by its accession to the Convention and other international instruments, including the Inter-American Convention on Forced Disappearance of Persons and the Rome Statute of the International Criminal Court. National legislation had been aligned with international standards as part of a comprehensive approach based on human rights, in particular the rights of victims.

3. After 50 years of internal conflict, a negotiated peace agreement offered the best guarantee for preventing further cases of enforced disappearance and protecting the rights of victims and their families; and that had been the goal of successive governments over the past 20 years. Despite the rejection of the peace agreement in the recent referendum, her Government remained committed to the quest for peace and had invited all stakeholders to come together to seek consensus on a modified peace agreement. It was important to note that the bilateral ceasefire agreed between the Government and the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-EP), which had resulted in a significant decline in human rights violations against the civilian population and had brought an end to the conflict in some of the regions most afflicted by violence, continued to hold.

4. The preparation of the State party's report had provided an opportunity to engage in a frank inter-institutional dialogue on how to improve implementation of the Convention. There was a clear need for better quality and more complete data on all victims. Although the National Missing Persons Register was the official central repository, there were considerable discrepancies in the data referred to it by the various bodies that dealt with cases of enforced disappearance. The Register, which was linked to the Disappeared Persons Genetic Profile Bank, had been instrumental in locating and identifying many disappeared persons or their remains and it could be accessed both by the authorities and by the family members of victims. With a view to making the Register an even more effective tool, measures had been adopted to improve the quality of the data it contained and increase the number of sources that provided data.

5. In the search for disappeared persons, it was important to work closely with the families of victims and with other actors, such as combatants who had been demobilized under the Justice and Peace Act. The Government had made helping the victims of enforced disappearance and their families a priority by way of a two-pronged approach: searching for disappeared persons and providing reparation for victims, while at the same time fully investigating disappearances so as to bring those responsible to justice.

6. Significant efforts had been deployed to search for disappeared persons and assist victims. In 2000, the Disappeared Persons Investigative Commission had been established as an inter-institutional facilitation and coordination body that included representatives both of civil society and of victims; it also served as a forum for the formulation of policies. The urgent search mechanism, in turn, had been designed as a tool for ensuring a rapid response by the authorities to an enforced disappearance and securing the release of the victim. The Attorney General's Office and the National Institute of Forensic Medicine and Science employed the most modern investigative techniques and followed international standards,

including the Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol), to locate and identify human remains. The Disappeared Persons Genetic Profile Bank, for instance, contained more than 25,000 family genetic profiles and would be instrumental in the identification of human remains.

7. In parallel, the Government was taking steps to lessen the emotional burden on victims' families. Act No. 589 (2000) and Act No. 1531 (2012) respectively had authorized the interim use and administration of disappeared persons' property and provided for the issuance of a declaration of absence by reason of enforced or other form of involuntary disappearance, thereby addressing part of the problem of the legal status of disappeared persons and their families. Ruling C-394/07 of the Constitutional Court had granted the families of disappeared persons the same benefits as were provided under Act No. 986 (2005) to victims of kidnapping and their families, including with regard to civil responsibility, payment of the disappeared person's salary, pension and other benefits, health and education rights and tax status.

8. Turning to the issue of reparation for victims, she said that Act No. 1448 (2011) had provided an internationally recognized model for comprehensive assistance to and reparation for victims of the armed conflict. The Act was, to some extent, an instrument of transitional justice in recognition of the need to provide comprehensive and immediate assistance to victims without waiting for the final outcome of the related investigations. That assistance included compensation, rehabilitation, restitution, measures of satisfaction, guarantees of non-repetition and, importantly, psychosocial support, which needed to be improved and made more widely available to address the trauma caused by enforced disappearance.

9. It was in its efforts to ensure full investigations and access to justice that the Government faced the greatest challenges, owing to the nature of enforced disappearance, although considerable strides had been made in that regard. National legislation had been fully aligned with the provisions of articles 2 and 3 of the Convention: the commission of an act of enforced disappearance had been defined as a crime in the Criminal Code, and the penalty was increased if an agent of the State was involved in or had knowledge of such act. The data compiled on enforced disappearance included acts perpetrated by individuals as well as those committed by or with the support of State actors. The National Plan on the Search for Disappeared Persons, which set out the methodology to be followed by all courts, defined four steps in the investigation: collection of information; verification and analysis of that information; recovery, examination and identification of the individual or of his or her remains; and final disposition of the remains. Specially trained units had been set up across the country to investigate cases of enforced disappearance and identify and prosecute those responsible; they were assisted in their work by the Institute of Forensic Medicine.

10. In concluding, she said that the preparation of the State party report had provided an opportunity to identify not only the progress made towards implementation of the Convention but also the challenges remaining. Data and information systems, including the National Missing Persons Register, needed to be consolidated and improved to ensure that information was complete, accurate and pertinent. Cases of enforced disappearance needed to be investigated with greater diligence, as bringing perpetrators to justice was in itself a type of remedy for the victim as well as a guarantee of non-repetition.

11. The challenge of dealing with and eliminating enforced disappearance was an especially difficult one for a country like Colombia, which had experienced five decades of conflict. She however reiterated her Government's commitment to ensuring respect for the rights of its citizens. The dialogue with the Committee would strengthen ongoing efforts to improve the human rights situation of disappeared persons and their families and also protect the people of Colombia against the threat of enforced disappearance. It was in that

spirit that she looked forward to receiving the Committee's concluding observations and recommendations and to continued dialogue with the Committee.

12. **Mr. Huhle** (Country Rapporteur), expressing disappointment that in the recent referendum the Colombian people had rejected the proposed peace agreement between the Government and the FARC-EP, said that a peaceful resolution of the armed conflict would contribute greatly to the investigation and, ultimately, elimination of enforced disappearances and he welcomed the commitment of all parties to continue to work to achieve consensus on an amended agreement.

13. Turning to the State party's implementation of the Convention, he asked if the State party intended to make the declaration under article 31 regarding communications and, if not, what its reasoning was for not doing so. Referring to paragraph 2 of the list of issues (CED/C/COL/Q/1), which concerned requests for urgent action transmitted by the Committee to the State party, he regretted that only one of the eight requests transmitted had received a response and in that case the individual concerned had, sadly, been found dead. He wondered what the State party's specific experience had been with such requests and what measures were envisaged to ensure a prompter and more effective humanitarian response to them.

14. As to the role of the Disappeared Persons Investigative Commission in the handling of requests for urgent action, the State party had presented the Commission as a coordinating body but not necessarily one with decision-making capacity, especially in situations of urgency. What specific powers did the Commission have for taking action in response to such requests, and was it the appropriate body for taking such action? With regard to the urgent search mechanism that had been established, the Committee had received information, including from State bodies, that the mechanism was unable to fulfil its mandate. He wished to know what had been the State party's specific experience with a composite institution that had been created to ensure the investigation of cases of enforced disappearance and which, by nature, needed to take action quickly. Furthermore, would the Commission continue to exist under the terms of any peace agreement and, if so, what role would it play in any new system for the protection of victims' rights?

15. The relationship of the Commission and the new special unit to search for persons who had disappeared in the context of the armed conflict, both of which were extrajudicial bodies, with the official State body responsible for conducting investigations, which was in most cases the Attorney General's Office, was unclear and that presented a serious problem for conducting effective searches. How would the work of the two extrajudicial bodies be coordinated with that of the Attorney General's Office such that there would be no overlap of competencies and the search and investigation functions would complement — not obstruct — each other?

16. Referring to the matter of the existence of various registers containing different information on disappeared persons and the limited possibilities for harmonizing or integrating data, he said that, although under the Convention States parties were obliged to search for all disappeared persons and not just those who were victims of enforced disappearance, the Committee needed to receive disaggregated data, in particular by type and date of disappearance. The 90,000 unclassified cases of missing persons reported by the State party in its replies to the list of issues (CED/C/COL/Q/1/Add.1) covered the entire period from 1938 to 2016, so it was not possible to know when over time they had specifically occurred or in what circumstances. In that connection, the National Centre for Historical Memory had recently reported that there had been 60,000 cases of enforced disappearance since 1970.

17. Discrepancies had also been noted in the classification of disappearances as cases of enforced disappearance. As the State party had reported that between 2010 and 2015 over

4,000 cases of enforced disappearance had been prosecuted but sentences had been handed down in only 500 of those cases, he wished to know how those figures tallied with the information in the registers of the Institute of Forensic Medicine, the Attorney General's Office and other bodies in terms of how and when cases of disappearance were classified. In the same vein, many of the cases referred to as "false positives" appeared to have started out as cases of enforced disappearance, despite being investigated as cases of murder; he wished to know whether they were recorded in the database as enforced disappearances or under some other category. The harmonization of the various State-administered databases was particularly important to ensure that comprehensive information on cases of disappearance was easily accessible.

18. **Mr. Hazan** (Country Rapporteur), acknowledging the high quality of the State party's presentation and its expression of goodwill to engage in the dialogue, requested clarification regarding the punishment for perpetrators of enforced disappearance, given that the definition in the Criminal Code remained broad and included State and non-State actors. He wished to know how the criminal investigation and punishment for agents of the State differed from the investigation of cases and punishment handed down to other perpetrators of acts of enforced disappearance. As there was no specific reference in Colombian law to enforced disappearance as a crime against humanity and, consequently, no statute of limitations, how did that align with the legislative framework under the Rome Statute of the International Criminal Court, to which Colombia was a party? He asked whether bill No. 18 of 2012 to do away with the statute of limitations for the offences of genocide, crimes against humanity and other inhumane acts was still under consideration.

19. Further information would be welcome on how criminal responsibility of superiors would be incorporated into national law, how it would be applied and what the current obstacles were to its application. He wondered whether ruling C-388 of the Constitutional Court, in which the Court refrained from issuing an opinion on the substance of bills No. 211 and No. 268 of 2013 on investigating, charging and trying members of the armed forces, would stand in the way of the adoption of such legislation in future.

20. The Committee would appreciate receiving information on the results of the efforts to investigate presumed cases of enforced disappearance perpetrated by organized armed groups and by illegal armed groups subsequent to the demobilization of paramilitary organizations. Details would be particularly welcome on the number of victims found alive, how many had been found dead, whether any effective investigations had been conducted, whether any rulings had been issued and, if so, what sentences had been handed down and what reparation had been provided to victims and their families.

21. The Committee had been informed that cases relating to enforced disappearances were dealt with in a fragmented manner across various parts of the prosecution service and that there was no coordinated effort to group investigations by region or by suspected perpetrator. He asked how cases were distributed and whether the lack of coordination across investigations had an impact on searches. The Committee had heard as well that the prosecution service's enforced disappearances unit was underfunded. He wondered whether the very low number of sentences handed down, particularly among the armed forces, could be attributed to weaknesses in the investigation process. Lastly, he wished to know whether the officials in charge of investigations were granted access to the official files of the armed forces and intelligence services, as they could provide extremely useful information on crimes allegedly committed with involvement by the State.

22. He asked for an explanation of the State party's policy on the participation of victims in criminal proceedings. He also asked what was being done to strengthen the protection of witnesses and ensure that such protection was tailored to the real needs of the victims, as the Committee had been informed that witnesses were often the victims of harassment and attacks and that assessments of the threat to victims were often delayed. In

addition, witness protection programmes tended to involve the relocation of the witness and that could cause further distress, in particular if it impeded the individual's efforts to search for missing loved ones.

23. **Mr. Decaux** requested clarification on the implications of a recent decision to broaden the competence of military courts, given that the Committee's position on the matter was that military courts should not be involved in cases relating to suspected enforced disappearance. He also wished to know what measures were in place to prohibit interference from the military police or the military justice system in interaction with witnesses and the gathering of evidence at all stages in an investigation.

24. **Mr. Figallo Rivadeneyra**, referring to the figures on missing persons provided by the State party, said that the cases classified as "presumed enforced disappearance" included those perpetrated by illegal armed groups, which was a definition that no longer applied pursuant to the ruling of the Constitutional Court. He asked what measures were being taken to enforce the criminal responsibility of superiors under the Convention. He was particularly concerned about the lack of information pertaining to investigations ordered by the Inter-American Court of Human Rights into criminal responsibility of superiors in certain cases of enforced disappearance. Lastly, he wished to know the status of the two bills referred to in the State party's reply to question 9 in the list of issues and requested clarification on the use of military jurisdiction in respect of criminal responsibility of superiors.

25. **Mr. López Ortega**, referring to the State party's figure of 115,000 people who had disappeared between 1938 and 2016, of whom fewer than 24,000 were classified as cases of enforced disappearance with the direct or indirect involvement of the State, said that he wished to know what the circumstances were in the remaining 90,000 cases, in particular whether they could be attributed to paramilitary and illegal armed groups. He also wished to know what punishments were provided for the perpetrators of those crimes, whether State or non-State actors.

26. **Mr. Yakushiji** requested further information on the efforts to investigate acts defined in article 2 of the Convention that had been committed by illegal armed groups subsequent to the demobilization of paramilitary organizations.

27. **The Chair**, recalling that the Working Group on Enforced or Involuntary Disappearances had recommended, following its country visit to Colombia in 2015, that the Criminal Code should be amended to ensure differentiation between the definitions of enforced disappearances perpetrated by State and non-State actors, asked what measures had been taken to implement that recommendation and align the definitions of "enforced disappearance" and the perpetrators thereof with those contained in articles 2 and 3 of the Convention.

The meeting was suspended at 11.10 am and resumed at 11.35 a.m.

28. **Ms. Santa** (Colombia) said that enforced disappearance had been defined as a criminal offence in Colombia in accordance with the Convention. Under domestic law, the offence of enforced disappearance covered all forms of deprivation of liberty involving secret detention. Historically, in Colombia, offences of enforced disappearance had been committed not only by agents of the State but also, as could be seen from the jurisprudence of the Constitutional Court, by private individuals acting independently. Thus, the Criminal Code made provision for both of those types of perpetrator.

29. In accordance with the Rome Statute of the International Criminal Court, to which Colombia was a party, and with the jurisprudence of the Constitutional Court, there was no statute of limitations for crimes against humanity, which was a category that included enforced disappearance when it was widespread or systematic. Act No. 1719 of 2014 made

provision for a statute of limitations of 30 years for offences of enforced disappearance not deemed to be crimes against humanity.

30. As part of the country's justice and peace process, the concept of responsibility of commanders and other superiors contained in the Rome Statute had been further developed by the Attorney General's Office and it had been transposed into domestic legislation. The current status of the military criminal courts was set out in the Political Constitution of 1991: they were not competent to hear, investigate or hand down sanctions related to cases of crimes against humanity, crimes of genocide or war crimes, including cases of enforced disappearance.

31. In 2012, Act No. 975 of 2005 (the Justice and Peace Act) had been recast to include the approach of investigating macro patterns of criminality and identifying leaders of illegal armed groups. Consequently, the number of trials grouping together prioritized cases and targeting such leaders had increased significantly, as had the number of corresponding convictions. Measures had been taken as well to speed up the judicial process. To date, 48,502 cases of enforced disappearance had been dealt with under the justice and peace process and 166 persons had been convicted of that offence.

32. Under general criminal procedure, victims enjoyed the status of special intervening parties who could request evidence. As part of the justice and peace process, victims could attend voluntary depositions and attend hearings on reparations. Specific statistics on the number of victims having taken part in reparations hearings within the framework of the Justice and Peace Act and the number of corpses of victims found or exhumed would be provided to the Committee as soon as possible.

33. With the exception of cases falling under the justice and peace process, the Attorney General's Office was free to assign criminal cases to whichever unit it preferred. The Government was aware that such a situation impeded the efficient processing of criminal cases. The delegation had taken due note of the Committee's recommendations relating to the number of different units within the Attorney General's Office.

34. Public officials' access to information was governed by a number of statutory laws, in particular the Transparency Act and the Intelligence and Counter-intelligence Act. Under article 34 of the Intelligence and Counter-intelligence Act, the judicial authorities could not be legally prevented from accessing sensitive information. However, the Government was aware that a number of victims had claimed that they had met with obstacles when requesting information.

35. Currently, it was extremely difficult to say how all the numerous cases of so-called "false positives" had been classified. Owing to the discretionary powers of the Attorney General's Office, a wide variety of classifications had been employed, the main one being "killing of a protected person". Very few "false positives" had been recorded as cases of enforced disappearance.

36. **Mr. Valdés** (Colombia) said that the Institute of Forensic Medicine managed the National Missing Persons Register, which was used by the Disappeared Persons Investigative Commission. The Attorney General's Office maintained a register of missing persons that was based on the investigations it was currently carrying out and the corresponding victims identified. The two bodies were working to merge their registers with those of a number of other State bodies, which recorded data in a variety of different ways, into a single register. When interviewing individuals reporting cases of missing persons, officials of the National Missing Persons Register classified such cases either as showing characteristics of an enforced disappearance or as having other characteristics. A number of subclassifications were employed, such as "No information", which accounted for one of the largest categories of cases. Individuals reporting cases of missing persons were often unable to provide additional information on victims or they preferred to

withhold such information because they did not trust the authorities. In addition, the families of disappeared persons often remained silent for fear of reprisals. The number of unidentified corpses found by the authorities pointed to significant underreporting of cases of disappearance.

37. A number of representatives of the families of missing persons worked with the Disappeared Persons Investigative Commission. The Commission facilitated inter-agency cooperation and the flow of information on missing persons but had no investigative powers. The urgent search mechanism had been set up within the Commission to ensure prompt action in cases of disappearance. Any competent unit or person, including mayors and municipal police officials, could trigger the mechanism. The Attorney General's Office was also informed of cases of missing persons and was empowered to carry out its own, more thorough searches. Efforts were ongoing to improve communications between municipalities and the central authorities, and training on how the mechanism operated had been provided to local authorities. Since 2007, the mechanism had been utilized on 1,607 occasions, but the units or persons triggering its use often subsequently failed to follow the reporting protocol of the National Missing Persons Register. Acknowledging that the Institute of Forensic Medicine needed to strengthen the Disappeared Persons Genetic Profile Bank, he said that the Institute had been working for five years to ensure that the families of victims were kept informed of any developments related to their cases.

38. **Ms. Londoño Soto** (Colombia) said that units of the Attorney General's Office specializing in transitional justice had located the bodies of 6,532 disappeared persons, 3,093 of whom had been identified and returned to their families. A further 1,446 bodies were awaiting final identification, while efforts to identify an additional 1,993 corpses had been unsuccessful.

39. **Ms. París** (Colombia) said that the Comprehensive Victim Support and Reparation Unit had set up a register of victims of enforced disappearance. The register listed some 46,000 direct victims of enforced disappearance and 118,000 indirect victims (family members). Under Act No. 1448 of 2011 (Victims and Land Restitution Act), the families of victims had access to assistance with regard to burials, health, education, the issuing of official documents, redress and rehabilitation.

40. **Ms. Santa** (Colombia) said that the State party had not previously made the declarations provided for in articles 31 and 32 of the Convention because work in the legislative and institutional spheres to ensure that Colombia met the obligations arising from the Convention had not yet been completed. The Government was of the view that the mechanisms required to meet those obligations had now been put in place.

41. During the discussions that had led to an agreement to create a special unit for locating persons who had disappeared in the context of the armed conflict, emphasis had been placed on the need to ensure the participation of victims in the process of searching for, locating, identifying and returning the remains of disappeared persons. It had been decided that the unit should be required to send periodic reports to relatives throughout the process as well as a final report, regardless of the outcome. Initially, consideration had been given to including victims among the members of the unit, but the final agreement stipulated that victims should perform an oversight role.

42. As part of the negotiations on the establishment of a special jurisdiction for peace, it had been agreed that cases of enforced disappearance should not be subject to amnesty and that State officials should receive differentiated but just treatment. The participation of victims had been acknowledged as fundamental in guaranteeing accountability.

43. **Ms. Londoño Soto** (Colombia) said that, up to 31 July 2016, there had been 74,831 reported cases of enforced disappearance and 82,505 recognized victims. Criminal

proceedings had been brought against 789 State officials, of whom 398 had been found guilty. A further 418 officials had been charged.

44. Persons facing an extraordinary or extreme risk received protection under a programme run by the National Protection Unit. Requests for protection could be made through any local, regional or national body and were evaluated within 30 days by a team that included a representative of the Ombudsman's Office. The protection afforded ranged from bulletproof vests to bodyguards.

45. The Constitutional Court had made clear that the judicial and administrative authorities could request access to State-held information. Preliminary discussions had been held on the possibility of drafting a comprehensive bill to facilitate access to information, which was currently governed by three separate laws.

46. **Mr. Hazan** said that the Committee had received reports that, in Buenaventura, paramilitary successor groups had killed and dismembered individuals in so-called *casas de pique*, or "chop houses", with the authorization, support or acquiescence of State officials and members of political parties. He asked the delegation to comment on those reports and to describe what had been done to end the violence, identify the victims and punish the perpetrators.

47. The delegation should also respond to reports that a member of the armed forces had recently been named as the head of a witness protection unit, which could make victims reluctant to request protection.

48. He asked whether the lack of specific provisions in the Criminal Code with regard to the responsibility of commanders and other superiors constituted an obstacle to accountability and whether isolated cases of enforced disappearance could fall under military jurisdiction.

49. With regard to the justice and peace process, he asked whether it was true that victims were involved more in civil matters, such as the granting of reparation, than in criminal matters, such as the cross-examination of witnesses and the rebuttal of evidence. In that connection, the delegation should comment on reports that the involvement of victims in the activities of the Disappeared Persons Investigative Commission had been hindered in practice by, inter alia, the overrepresentation of other stakeholders and instances of inappropriate treatment.

50. **Mr. Huhle** requested statistics on the number of cases of enforced disappearance that had been reported in recent years and on the number of persons who had been found, either dead or alive, through the urgent search mechanism.

51. **Mr. Figallo Rivadeneyra** said that he would appreciate a more detailed explanation of whether the State party was considering making the declarations provided for in articles 31 and 32 of the Convention.

52. Noting the importance of collecting information on the perpetrators of enforced disappearance, he asked what was being done to boost public confidence in the reporting mechanisms set up by the State.

53. **Mr. López Ortega** said that he had not heard a response to his request for statistics on the proportion of recorded cases of enforced disappearance that were directly or indirectly attributable to State officials and to non-State armed groups.

54. He also wished to know how the criminal responsibility of State officials was addressed in the peace agreement that had been negotiated, particularly in the light of reports that the implementation of that agreement could, in practice, result in impunity.

55. **The Chair** asked whether the Constitutional Court rulings according to which the definition of enforced disappearance set out in article 165 of the Criminal Code was compatible with the international instruments that Colombia had ratified predated the entry into force of the Convention in Colombia. In that connection, would the Government take steps to bring the definition set out in the Criminal Code into line with the one set out in the Convention with reference to the perpetrators of enforced disappearance?

56. **Ms. Santa** (Colombia) said that the most important Constitutional Court ruling pertaining to the definition of enforced disappearance in the Criminal Code dated back to 2002 and that the Government would therefore evaluate the Committee's recommendation to bring that definition into line with the one set out in the Convention.

57. The Constitutional Court had stressed the need to strengthen the participation of victims in the justice and peace process. While it was true that victims could not cross-examine witnesses, they were fully fledged parties to judicial proceedings in most other senses.

58. The peace agreement that had been negotiated provided for the differentiated treatment and punishment of State officials. Given the recent rejection of the agreement, she was unable to elaborate for the time being.

59. **Mr. Valdés** (Colombia), confirming that there were multiple registers of victims of enforced disappearance, said that each was useful as it gave a unique perspective on the crime. Steps were being taken to clean up the National Missing Persons Register.

60. To reduce underreporting and boost public confidence in State reporting mechanisms, the Institute of Forensic Medicine and the Attorney General's Office, among others, had conducted joint campaigns to encourage the relatives of victims to report cases to the Institute even when criminal proceedings had not yet been initiated.

61. He said that statistics on the number of reported cases of enforced disappearance, which had fallen significantly since 2007, and on the number of persons found through the urgent search mechanism would be submitted in writing.

62. In Buenaventura, there had been three recorded cases of dismemberment in 2015 and six in 2014. All the victims had been identified and the perpetrators had been apprehended. Investigations had been launched and it had been concluded that the victims had been dismembered as a form of intimidation and as part of satanic rituals.

63. **Ms. Londoño Soto** (Colombia) said that the national police had intervened in Buenaventura as from when the first reports of human rights violations had been received in 2014. Up to July 2016, 516 suspected members of criminal gangs had been arrested and weapons and ammunition had been seized. Since 2014, 260 judicial proceedings had been brought in relation to human rights violations in Buenaventura.

64. The Disappeared Persons Investigative Commission was documenting cases of enforced disappearance in Buenaventura on the basis of relevant information submitted by local administrative authorities, public prosecutor's offices and victims and their relatives. The national police had launched three investigations into cases of enforced disappearance and had identified and arrested 17 suspects. While the number of cases of murder, extortion and enforced disappearance had diminished in recent years, the figures remained unacceptable.

65. To date, there had been no indication that paramilitary successor groups in Buenaventura had acted with the authorization, support or acquiescence of State officials or that there was a local or national policy in favour of their actions.

The meeting rose at 12.45 p.m.

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International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances
Eleventh session

Summary record of the 184th meeting
Held at the Palais Wilson, Geneva, on Thursday, 6 October 2016, at 3 p.m.

Chair: Mr. Corcuera Cabezut

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties to the Convention (*continued*)

Initial report of Colombia (continued) (CED/C/COL/1; CED/C/COL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Colombia took places at the Committee table.*

2. **Mr. Hazan** (Country Rapporteur), speaking in relation to search and identification efforts, said that the Committee had received reports that the implementation of the National Plan on the Search for Disappeared Persons had been slow and inefficient; he wondered whether difficulties in that regard were related to the fragmented approach taken to investigations. Had any assessment been carried out within the Attorney General's Office regarding compliance with the obligation to define a strategy to guide investigations to find disappeared persons and identify those responsible for their disappearance?

3. Recalling that the peace agreement with the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) recognized victims' rights and provided for immediate search mechanisms in keeping with humanitarian law, he said that information should be provided on the outcomes of those mechanisms. The delegation should also comment on whether it envisaged the continuation, in the wake of the referendum result, of the widely supported policies in favour of victims, and it should clarify whether State agents had handed over information on disappeared persons in the framework of the immediate measures set forth in joint communiqué No. 62 of the Government of Colombia and the FARC-EP. Clarification was also needed regarding the inclusion of ante-mortem and genetic information in databases, as that would enable remains to be linked with missing persons, and regarding the number of families searching for a missing person that had provided such information.

4. The Committee would appreciate details of the steps taken to return to their families the bodies of victims who had not been reported missing, possibly in the belief that the persons had simply been displaced. It would also welcome a comment on the reported shortcomings of public awareness campaigns that focused on urban residents who had access to the media and which did not reach many of the victims' families, especially in rural areas.

5. The delegation should describe the resources available to the National Institute of Forensic Medicine and Science in addressing the challenges related to mass disappearances as well as the specific measures adopted to ensure that search processes and the restitution of remains were carried out respectfully and in a culturally sensitive way. The State party should also indicate whether the slow pace of identification and restitution efforts reflected a lack of political will or other factors, and it should describe any measures taken to protect and preserve graves and other places containing interred remains.

6. With regard to the prevention of enforced disappearance, the Committee had received information about cases in which persons deprived of their liberty had not been able to directly inform a person of their choice, as set out in the Code of Criminal Procedure. The State party should therefore indicate whether any mechanisms had been planned or implemented to guarantee such communications, and it should state what measures had been taken, if any, to address the concerns over the interpretation of article 303, paragraph 4, of the Code, referring to the right of a person deprived of liberty to appoint and meet with a trusted lawyer "as soon as possible". The Committee would also appreciate a more comprehensive response to the question regarding registers of persons deprived of their liberty other than those maintained by judicial, security and prison institutions. An update on the development, by the Disappeared Persons Investigative

Commission, of a draft decree to establish a single register of arrested and detained persons, would also be welcome.

7. Given the reported irregularities in the registration of temporary detainees, including non-registration and incomplete records, the State party should indicate whether criminal or disciplinary proceedings had been brought against non-compliant officials and whether audits had been carried out to ensure compliance. What authority might be responsible for such oversight and enforcement functions? Lastly, he would appreciate further details concerning the number of disappearances having occurred at prison institutions, including figures for men and women, along with clarification of whether those disappearances were classed as cases of enforced disappearance, whether exhumations had taken place and whether investigations had been carried out to establish the involvement of prison officials.

8. **Mr. Huhle** (Country Rapporteur) said that he would like an explanation of the policies and measures that the State party intended to apply to avoid the situation whereby military criminal judges could decide to hear cases involving enforced disappearance, despite the cost, effort and potential hurt to victims that that entailed and the Committee's understanding that ordinary courts were the rightful jurisdiction.

9. He would be interested to know whether the legislation on victims' rights included, or would be extended in the future to include, the victims of enforced disappearance perpetrated outside of the armed conflict period. While the Committee welcomed the broad definition of victims under Colombian law, which included spouses, life partners, partners in same-sex couples, first-degree blood relatives and first-degree civil status relatives of the direct victim, it would like to know whether the State party planned to bring its definition into line with that set forth under article 24 of the Convention.

10. The State party was to be commended on the scope of the reparation measures described in its report, which were aligned with the Convention and which included compensation, rehabilitation and a historical memory component. The delegation should nevertheless state whether the representatives of victims had been involved in the design and implementation of those measures or whether the authorities carried sole responsibility. Had there been any independent assessment of the effectiveness of those measures? Information should also be provided on how many people had benefited, especially from psychosocial support measures. Regarding the rights to truth and rehabilitation, he asked whether the National Centre for Historical Memory, which had published a comprehensive report on enforced disappearances, would continue to receive funding and support in future and what might be its future relationship with the truth commission envisaged under the peace agreement.

11. Despite the sharp decline in human rights violations, the two years preceding the signing of the peace agreement had seen a rise in the persecution, murder and enforced disappearance of human rights defenders, including people expressly protected under article 24 (7) of the Convention on the right to form and participate freely in organizations and associations concerned with enforced disappearances. In that sense, the State party should provide statistics on the number of victims and describe the legislative and practical measures it had taken to guarantee those rights.

12. Lastly, he asked whether the State party could provide any information regarding the continued functioning of the country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Colombia, which had undertaken tremendous efforts to support victims and defend their rights and whose mandate expired at the end of October 2016.

13. **Mr. Hazan** said that he would be interested to learn why 18,000 women had been classified in the statistics under "No information", and he asked whether there might be an element of confusion or overlap between crimes of enforced disappearance and those of

human trafficking. Information should be provided on whether the State party planned to apply any gender mainstreaming strategies to investigations, sanctions and reparations in cases of disappearance of women and girls. Additionally, he would welcome confirmation of the State party's reply to paragraph 23 of the list of issues, which he interpreted as meaning that no additional legislative measures were envisaged (CED/C/COL/Q/1 and Add.1). Lastly, he asked whether procedures were in place for the annulment of adoptions that had taken place as a consequence of an enforced disappearance.

14. **Ms. Janina** said that with regard to article 16 of the Convention, she would like to know what mechanisms were at the State party's disposal to ensure that persons likely to be subjected to enforced disappearance could not be expelled, returned, surrendered or extradited, and whether Colombia had any legislative provision that enshrined the principle of non-refoulement. Pointing out that the victims of enforced disappearance included the female family members of disappeared persons, it would be useful to know whether the compensation and assistance measures provided by the State were gender-sensitive.

15. **Mr. López Ortega**, sharing Mr. Hazan's concern regarding registers in places of detention, said that he would like to know also what registers were maintained in psychiatric hospitals, youth detention centres and migrant holding centres. He would be grateful as well for information on how the families of persons serving custodial sentences were informed of changes in the place of detention. Finally, he asked whether the State party would recognize, either immediately or in the medium term, the competence of the Committee to receive individual communications, considering their importance for the oversight of the State and for the assertion of individual rights.

16. **Mr. Yakushiji**, thanking the delegation for its explanation of the measures taken to combat the intimidation of human rights defenders, said that, as several organizations had expressed deep concern at the continuing attacks, death threats and other forms of intimidation directed at human rights defenders, he would appreciate further information regarding the effectiveness of those measures, the steps taken and consultations held with a view to overcoming difficulties and enabling prompt, effective investigations that resulted in the punishment of offenders.

17. **Mr. Decaux** said that the Committee's request for disaggregated statistics was also relevant to the question of registers and that such information would be useful in establishing whether the specific problems of indigenous peoples were taken into account in the area of victims' rights.

The meeting was suspended at 3.30 p.m. and resumed at 4.05 p.m.

18. **Ms. Londoño Soto** (Colombia) said that the Government had no knowledge of cases of enforced disappearance in psychiatric facilities or in youth detention or rehabilitation centres, nor of any cases in which an adoption had had to be suspended owing to the enforced disappearance of the prospective parents.

19. **Ms. Santa** (Colombia) said that, as expressly provided by legislation, offences amounting to war crimes, crimes against humanity, enforced disappearance, genocide and torture, as well as other human rights violations, fell outside the scope of Colombian military criminal jurisdiction. In its judgments, the Constitutional Court had consistently emphasized the exceptional nature of military criminal jurisdiction, which was limited to offences involving breaches of military discipline. The Constitutional Court was not authorized to settle conflicts of jurisdiction between the ordinary and military criminal courts; rather, the Constitution assigned that function to the High Council of the Judiciary.

20. Article 303 of the Code of Criminal Procedure enumerated the rights of persons who were taken into custody and was based on the constitutional principle of habeas corpus. Article 28 of the Constitution stipulated that persons in Colombia could not be held in

pretrial detention unless they were brought before a duly empowered judge within 36 hours following their arrest and unless the judicial authorities were notified of the judge's decision. The National Prisons Institute had designed and implemented an integrated information system for the prisons administration, which served as a single nationwide custody register. As at 25 July 2016, it had recorded a total of 136 prison facilities and 121,400 prisoners; of that number, some 80,000 prisoners were serving sentences and the remainder were awaiting trial. In order to ensure respect for the rights guaranteed under article 303, the Ministry of Defence pursued a comprehensive human rights and international humanitarian law policy that called for the provision of training to all law enforcement officials and military personnel concerning those rights.

21. When evaluating the legislation incorporating the provisions of the Convention into national law, the Constitutional Court had recognized that the definition of a victim of enforced disappearance under Colombian law was much broader than the one set out in the Convention. That was because Colombian law provided for the award of comprehensive reparation primarily on the basis of the ability of applicants to demonstrate that they had suffered harm as a result of the internal armed conflict and not necessarily on the basis of their status as a direct victim or family member of a direct victim.

22. Colombia did not yet envisage making the declarations provided for under articles 31 and 32 of the Convention. That decision had been based on its development of an extensive system for guaranteeing citizens' constitutional rights and on an informal assessment it had conducted of the system's effectiveness and of its domestic capacities. The delegation had nevertheless taken careful note of the Committee's recommendations in that regard.

23. According to the mixed extradition procedure outlined in the Code of Criminal Procedure, extradition requests were received by the Ministry of Foreign Affairs and transmitted to the Attorney General's Office for the issuance of an arrest warrant against the person sought, following which the matter was referred to the Supreme Court. The Court appointed a defence lawyer to the person whose extradition was sought, set the deadlines for the receipt of evidence and determined whether or not the extradition request was appropriate. Upon issuance of a positive determination, the Government had 15 days within which to grant the extradition. The Ministries of Justice and Foreign Affairs were the contact points for requests for protection from extradited persons but subsequently transmitted those requests to the relevant judicial authorities.

24. **Mr. Valdés** (Colombia) said that the National Missing Persons Register contained reports of a total of 29,618 minors who had disappeared; of those, 2,250 concerned cases with characteristics of enforced disappearance. The Register also contained reports of the disappearance of 741 indigenous persons, 131 civil leaders, 99 political leaders, 70 trade union leaders and 43 human rights defenders. A three-stage search mechanism had been set up under the coordination of the Attorney General's Office; it consisted of documenting the disappearance, locating and identifying the human remains of victims and returning the remains to the victims' family. The Institute of Forensic Medicine participated in all three stages, in particular by providing the Attorney General's Office with information from its database and analysing and identifying human remains. The data it provided to the Attorney General's Office and the contents of the Register were subject to an inspection process.

25. Pursuant to the peace agreement signed with the FARC-EP, the Government had received information from the FARC-EP on the location of the remains of six disappeared persons, which had subsequently been returned to the victims' families. No information of that nature had been received pursuant to the agreement from any State institution.

26. The Institute of Forensic Medicine conducted interviews with victims' family members so as to identify those most suitable for biometrics collection and testing. The

Disappeared Persons Genetic Profile Bank contained information on 21,821 family members and 3,641 human skeletal remains. To date, 1,050 persons had been identified through cross-checks of such genetic profiles.

27. The majority of unidentified bodies were in the process of being identified through DNA testing, which yielded the best results, although the success of that method was only as good as the data contained in the genetic profile databank. The full identification of bodies based on forensic information obtained from medical, odontological or anthropological analyses was relatively scarce, owing to the deterioration, fragmentation and mixing of human remains in the locations in which they were found. There had been only one case in which a body had been identified, but the contact information for the family that had provided samples several years previously could not be found. The Government organized public campaigns to obtain biological samples from the population when and as available funding permitted. Culturally respectful protocols for conducting autopsies and identifying remains had been developed in two indigenous communities in consultation with those communities.

28. One of the first actions taken by the Attorney General's Office following the promulgation of joint communiqué No. 62 in October 2015 was, in an effort to gain public trust, to present some of the initial results concerning bodies that had been identified and to return the human remains of 37 victims to their families in the city of Villavicencio. The Institute of Forensic Medicine had developed a strategy for cooperation with various cemeteries, and 3,011 corpses had been exhumed, of which, to date, 14 had been identified. When the Institute identified a body, it notified the Attorney General's Office, which activated the protocol for the dignified restitution of the remains, but it had no control over how long it took for the remains to be returned to the victims' families.

29. If mass graves were discovered in cemeteries, immediate action was taken to preserve the sites and notify the relevant civil and police authorities. When clandestine burial sites were discovered outside of cemeteries, immediate action was taken at the site. The Institute had devised and was implementing a system of secure repositories in various locations of the country in which the human remains found in the aforementioned sites were stored until such time as they could be analysed scientifically and in an effort to prevent a second disappearance.

30. In 2014, the Institute had adopted a strategic plan called Forensic Sciences for a Diverse and Peaceful Colombia, according to which gender, geographical, ethnic, cultural and political factors were taken into account in the Institute's forensic study of violence. The task of finding, identifying and returning the human remains of persons who had been subjected to disappearance posed major challenges, particularly in the form of the significant human, material and financial resources required. The Institute was in desperate need of more doctors, odontologists, radiologists, anthropologists and geneticists, as well as budgetary resources for the purchase of the technology and chemical reagents needed to conduct genetic testing on skeletal remains.

31. **Mr. Valencia Muñoz** (Colombia) said that the Colombian Government recognized the important role played by human rights defenders in the maintenance of democracy in Colombia. It consequently rejected any intimidation of or attack against them. Colombia had established a tripartite National Committee on Safeguards for Human Rights Defenders that brought together representatives of the State, civil society and the international community, and it had set up a national protection unit, which included a risk evaluation mechanism. In 2016, Colombia had allocated a budget of US$ 151 million to those efforts and had granted protection to 13,500 defenders.

32. **Ms. Santa** (Colombia) said that the work of the National Centre for Historical Memory in the area of disappearances had included the preparation of a series of four

publications on disappearance in 2014 and a number of reports on obstacles to the access to justice faced by victims of disappearance and, in many cases, enforced disappearance. Those publications had provided important inputs for the peace agreement, particularly with regard to the chapter on victims.

33. Given the current circumstances, the Government could not guarantee that a commission on the clarification of truth, coexistence and non-repetition would indeed be established under the terms set out in the peace agreement. However, assuming that a similar truth commission was eventually established, it had been proposed that the latter would focus on shedding light on the truth in the many remaining unresolved cases of disappearance and that the National Centre for Historical Memory would focus on the construction of memorial sites and on collective processes of reconciliation.

34. **Ms. Londoño Soto** (Colombia) said that one complaint had been filed regarding enforced disappearance in Colombian prisons; the Attorney General had assigned one prosecutor and several investigators to the case and the Committee would be kept informed of the case's progress. The complaint had not been referred to the National Prisons Institute, to the Inter-American Court of Human Rights or to the Inter-American Commission of Human Rights.

35. The Office of the United Nations High Commissioner for Human Rights (OHCHR) had established a permanent office in Colombia in 1996. That office, which oversaw 13 field offices around the country, had worked together with the national authorities to build a genuine human rights culture in Colombia; it also issued alerts and appeals concerning important issues, to which the Government was committed to responding promptly. The office's mandate had recently been extended for a further three years and it continued to receive considerable government funding to ensure that both the main office and the field offices were fully operational.

36. **Mr. Huhle** said that he would like to know what measures had been taken to increase the efficiency of the urgent search mechanism, which in some cases had taken months to respond to requests from victims' families. While welcoming the legislation that provided for the issuance of declarations of absence by reason of enforced disappearance, he wondered how often such declarations were issued in practice. It was important that that procedure should be accessible to families without their having to declare the death of the relative in question. The State party was to be commended for its admirable efforts in searching cemeteries for unidentified persons; however, it was unclear why the Attorney General's Office had been tasked with such a large-scale search operation, which might take resources away from its responsibilities regarding the investigation of cases of enforced disappearance.

37. **Mr. Hazan** said that he would appreciate information on the ages of the children who had been victims of enforced disappearance. He wondered whether some of them might have been victims of identity substitution and therefore might still be alive but were being raised by other families. An update should be provided on the child victims of the "false positives" scandal, specifically in Toluviejo; on the investigations into the cases of 30 disappeared children who had been recruited in eastern Colombia by paramilitaries with the support of the military; and on the allegations of the recruitment of children and ongoing threats of further recruitment by paramilitaries in Buenaventura. While acknowledging the resource-related challenges facing the Government in carrying out searches and gathering evidence in rural areas, he nevertheless urged the authorities to do such work as promptly as possible, as delays could create additional difficulties in the long term.

38. **Mr. López Ortega** said that the State party should provide to the Committee, within 48 hours, information on the registers kept in psychiatric hospitals and in detention centres

for minors, migrants and members of the military, respectively. While noting the steps taken by the Government to improve the centralization of records on persons deprived of their liberty, he said that the Committee had received information that there were many irregularities in the registers of persons deprived of their liberty, particularly in transitory detention centres. It would be useful to learn what strategies were being considered by the Government to ensure that records of detainees were kept in accordance with the Convention.

39. **The Chair** said that it was unclear whether the judiciary was sufficiently trained in order to apply the legislation providing for the issuance of declarations of absence by reason of enforced disappearance. It was part of the State party's obligations under the Convention to train its officials to apply the law, in particular the Convention. The Committee would appreciate statistical data on declarations of absence, specifically how many people had requested them and how many declarations had been issued since the legislation's entry into force. If the latter number was as low as had been reported to the Committee, he wondered whether the Government was considering adopting measures to raise awareness about that procedure.

40. **Mr. Valdés** (Colombia) said that the Government continued to face major challenges regarding the urgent search mechanism. Despite the training that the Attorney General's Office had begun providing some two years previously, there continued to be complaints about delays in initiating searches, in both urban and rural areas. The Attorney General's Office was firmly committed to raising awareness among its staff, and it had recently intensified initiatives in that direction so that complaints could be received at any time of day or night.

41. Although it was the Attorney General's Office that held the legal and constitutional mandate for initiating investigations into allegations of enforced disappearance, in 2012 the Institute of Forensic Medicine had launched the project on searching for unidentified persons in cemeteries. After gathering information on those sites in which a significant number of enforced disappearances had been registered and for which a large number of autopsy reports were available, the Institute had submitted that information to the Attorney General's Office in order to seek its support for the exhumation of the bodies. The Institute was therefore the main driver of the project.

42. Regarding the statistics on children who had disappeared, there were 527 victims between the ages of 0 and 4 years; 1,050 victims between the ages of 5 and 9; 11,988 between the ages of 10 and 14; and 16,053 between the ages of 15 and 17. He had no information on whether the child victims of enforced disappearance in Toluviejo might have been victims also of identity substitution. As to the 30 disappeared children in eastern Colombia, the Institute of Forensic Medicine had signed an agreement with the Colombian Family Welfare Institute in 2013 whereby the genetic data for all individuals who approached the Family Welfare Institute to file a complaint about a disappeared relative were compiled in a separate database, which would be used as an additional resource in the event that the data on adult disappeared persons did not result in a match. In response to the concern expressed about the children who had been recruited by paramilitaries in Buenaventura, the Institute of Forensic Medicine had increased its staff there to include two physicians, one psychologist and one social worker. The children were being monitored, with special attention given to those who had been sexually abused; information was recorded by the attending physicians at the two largest hospitals in Buenaventura and sent directly to the Attorney General's Office, which was the lead institution in the case. He noted the concerns expressed regarding the Institute's financial challenges and the related obstacles in gathering evidence and said that he wished to assure the Committee that a number of initiatives were already under way to resolve the remaining problems.

43. **Ms. París** (Colombia) said that the Disappeared Persons Investigative Commission and the Presidential Advisory Office for Human Rights had provided training to prosecutors, judges and police officers with a view to guaranteeing the effective application of the urgent search mechanism and implementation of the National Plan on the Search for Disappeared Persons and to raising their awareness of the inter-agency protocol on the dignified return of bodies of disappeared persons and all other laws and procedures intended to prevent, combat or address the crime of enforced disappearance. One of the main obstacles to the effective application of the mechanism was the high turnover of public officials within the entities concerned, many of whom were employed under short-term contracts.

44. It had been confirmed that a number of the reported cases of enforced disappearance were in fact cases of forced recruitment of children and adolescents into illegal armed groups. The Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations was responsible for coordinating the efforts undertaken by 23 State entities to protect the rights of children and adolescents and to prevent their recruitment and abuse by armed groups, which included an early intervention programme run by the Colombian Agency for Reintegration. The Intersectoral Commission also assisted municipal authorities in providing rehabilitative care and support to children and adolescents who had ceased their involvement with illegal armed groups. The Office of the President of the Republic was in the process of cross-checking the information available through the Missing Persons and Corpses Information Network System, which was the main platform of the National Missing Persons Register, to identify cases involving the forced recruitment of children and adolescents into illegal armed groups and to separate them out from cases of enforced disappearance. The public officials responsible for maintaining the Register had been trained to distinguish between the two types of case and instructed to record them under separate categories.

45. The Programme for Providing Comprehensive Psychosocial and Health Care to Victims had been created pursuant to Act No. 1448 of 2011 (the Victims and Land Restitution Act) as a means of rehabilitating victims and it included an individual, community and family component. As at 31 December 2015, some 172,000 persons had benefited from the Programme. Civil society organizations and victims' families had been given the opportunity to provide input into the Programme's design through a broad-based consultation process. The Unit for Support and Full Reparation for Victims of Violence oversaw the implementation of two complementary strategies: one to promote the emotional recovery of victims, which, at 31 December 2015, had benefited some 91,200 persons, and another to restore social cohesion by rehabilitating those communities who had been affected by violence.

46. According to an assessment conducted by Harvard University in 2014, the reparation programmes launched under the Victims and Land Restitution Act provided comprehensive coverage, with Colombia being one of the few countries in the world to have devised a strategy to promote the emotional recovery of victims.

47. The inter-agency protocol on the dignified return of bodies of disappeared persons had been introduced by the Disappeared Persons Investigative Commission pursuant to Act No. 1408 of 2010 and was adhered to by a number of State entities. The aim of the protocol was to ensure that the bodies of disappeared persons were returned in a dignified and culturally sensitive manner to their families. Under the protocol, State entities were obliged to consult the families of the disappeared persons before initiating the process of handing over their remains.

48. **Ms. Santa** (Colombia) said that the pretrial detention centres operated by the Attorney General's Office were not intended to hold persons during prosecution

proceedings or persons serving a sentence but were rather intended to facilitate access to justice for persons detained by the police. Although detained persons were only to be held in such centres for a maximum of 24 hours before being brought before the judicial authorities, in reality, many detained persons remained there for longer. Pursuant to an order issued by the Constitutional Court, the Attorney General's Office in March 2016 had ordered the transfer of all persons who had been held in pretrial detention centres beyond the prescribed period of 24 hours to penitentiary centres. Furthermore, the Attorney General's Office had conducted investigations into irregularities identified in such centres. The Committee would be provided with information on the number of investigations conducted and their findings in due course.

49. The procedure for declaring a person missing as a result of enforced disappearance had been introduced pursuant to Act No. 531 of 23 May 2012 to replace the previous procedure, which had proved to be inadequate. The Disappeared Persons Investigative Commission, working in partnership with victims' organizations, had conducted campaigns to raise the awareness of victims and their families of the procedure. Judges had also been trained on its content and application.

50. **Mr. Valdés** (Colombia) said that the Institute of Forensic Medicine had identified a lack of technical capacity within the Attorney General's Office and the High Council of the Judiciary in the area of forensic examinations and, in an attempt to remedy that deficiency, had trained some 580 prosecutors, 720 police officers and 180 judges on the protocols for conducting autopsies on disappeared persons and on procedures for identifying inhumane, degrading and cruel treatment. In addition, the Institute had laid down a set of criteria for the appropriate interpretation and use of forensic results.

51. **Mr. Hazan** said that Colombia was to be commended on the openness with which it had approached the interactive dialogue with the Committee and on the technical expertise brought to bear by the different members of the delegation. The Committee noted with satisfaction that the measures taken by the State party to give effect to the provisions of the Convention had led to a decrease in the number of cases of enforced disappearance in the national territory and to greater recognition of victims' rights. However, the Committee remained concerned that new cases of enforced disappearance in which the State had some involvement continued to occur and that offences of enforced disappearance committed by armed groups in the context of conflict were becoming increasingly widespread. The State party should continue its efforts to prevent enforced disappearance, bring perpetrators to justice and provide redress to victims and their families. The Committee's concluding observations and recommendations would provide useful guidance in that regard and should be given due attention and disseminated accordingly.

52. **Ms. Londoño Soto** (Colombia) said that the Government of Colombia was grateful to the Committee for having accommodated its request to reschedule the interactive dialogue in view of the recent referendum on the peace agreement between the State and the FARC-EP. Despite the rejection of the peace agreement, the Government remained committed to freeing the country from armed conflict. The delegation had taken a self-critical approach in outlining the country's efforts to give effect to the provisions of the Convention and, although there had been a divergence of opinion on certain issues, it had taken due note of the concerns raised by Committee members. The State party recognized the need to step up its efforts to improve the availability of information on cases of enforced disappearance; to provide victims with adequate reparation; to guarantee the non-repetition of the crime of enforced disappearance; to build public confidence in State entities; and to completely eradicate the scourge of enforced disappearance from the national territory. The delegation would provide written responses to all outstanding questions and the requested statistical data within 48 hours.

The meeting rose at 5.40 p.m.